IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9912 OF 2004

Shri.Indrapalsingh Rajendrasingh
Chaddha ..Petitioner.

Vs.

Smt.Vidyagauri Ratilal Mahchubhai
(deceased heirs) & Ors. ..Respondents.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

12th April, 2005.

P.C. :

The Petitioner claims under a purported agreement to sell that was entered into with the original tenants. The surrender of tenancy by the original tenants cannot be questioned by the Petitioner who has no right, title or interest in the land in question. A suit for specific performance has been filed by the Petitioner which is pending. In the suit an interim injunction was not granted to the Petitioner. It is common ground

that the order of the learned Trial Judge was affirmed in appeal and thereafter by this Court in an Appeal from Order under Order 43 of the Code of Civil Procedure, 1908. That being the position, it would, in my view, not be permissible to entertain this Petition at the behest of the Petitioner who has no established right title or interest in the land. The tenants have not made any grievance in regard to the alleged surrender. The Petitioner has, the Court is informed, already lodged a notice of lis pendens. In that view of the matter, the interference of this Court is not warranted. The Petition is accordingly rejected.